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MAILED

OCT 13 2010

In re Application of  
Seres et al.  
Application No. 09/218,308  
Filed: December 22, 1998  
Title: Protective Device For Dispensing  
Devices

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 24, 2005 revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item (2).

With respect to item (2) petitioner has not submitted the required small entity petition fee of \$810.00 or the small entity Appeal Brief fee of \$270.00. Petitioner's credit card was declined.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay. The petition in the above-identified application was not accompanied by payment of the required fee. **No consideration on the merits can be given to the petition until the required fee is received.**

Additionally, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

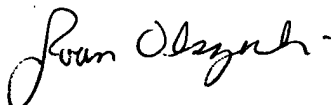
Further correspondence with respect to this matter should be addressed as follows:

By Mail:      Mail Stop PETITION  
                 Commissioner for Patents  
                 P. O. Box 1450  
                 Alexandria, VA 22313-1450

By hand:      U.S. Patent and Trademark Office  
                 Customer Service Window, Mail Stop Petitions  
                 Randolph Building  
                 401 Dulany Street  
                 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.



Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc:    Glenn L. Webb  
         PO 951  
         Conifer, CO 80433